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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/649,816

08/28/2003

Emmanuel Kanterakis

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20277

7590

08/23/2005

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EXAMINER

BOCURE, TESFALDET

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/649,816	Applicant(s) KANTERAKIS ET AL.	
	Examiner Teshfaldet Bocure	Art Unit 2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/28/03&5/23/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statements (IDSs form 1449) received on 8/28/03 and 5/23/05 have been considered by the Examiner, and the initialed copies (three copies) of the IDSs are attached with this correspondence.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed "receiving from a remote station a detectable access burst comprising one of a plurality of possible coded preamble signals, the one coded preamble signal indicating a request to access an uplink channel selected by the remote station from among a plurality of channels assigned to a base station of the network" in claim 5 is not supported by the specification as originally filed.
4. Claims 6-13 are inherently rejected as being dependent on the rejected base claim.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claimed limitation in claims 12 and 13 is indefinite because claim 12 is not clear which of the proceeding claimed limitation it is referring to. Shouldn't claim 12 depend on claim 11? Where the reception of the power signal is claimed.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beming et al. (US patent number 6,236,646, newly cited) in view of Dahlman et al. (US patent number 6,060,313, newly cited).

Beming et al. (Beming hereinafter) teaches a packet data spread spectrum communication system (see figs 1 and 2) comprising: a mobile unit (16) for transmitting a random access preamble signal for accessing a channel from the base station (see col. 1, lines 39-45 and col. 2, lines 46-64 and step 100 in fig.2); the base station transmitting an access grant message (AG), claimed acknowledgment, using access

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grant channel (AGCH) as in claim 8, and communicating a spread spectrum packet signal thereafter as in claims 5,14,15,18 and 19. Further to claims 9,15,18,19,21 and 22. The communication system 10 having a base unit 12 transmits a frame timing signal for the mobile station to transmit the packet on the assigned frame timing (see col. 2, lines 55-68).

What Beming fails to teach is that the base station 12 receiving a power control signal from the mobile station 16 as in claims 5,11,12,13,15,16,17,19 and 20, and collision detection as in claim 6.

Dahlman for the same endeavor as the instant application and that of Beming teaches a spread spectrum random accessing communication system comprising a mobile unit (1 for transmitting a accessing burst having a signature preamble having a corresponding a power ramp (see fig. 5 and 8) for the base station to make a close loop power control between the accessed mobile station and a slotted Aloha for collision avoidance in a random accessing communication method (see col. 1, lines 59-67). As to the claimed base station transmitting back a corresponding collision detection response message in claim 6, it is inherent in the slotted Aloha technique (fig.2), where the base station should acknowledge of the collision before the mobile station start to communicate information again.

Therefore, it would have been obvious to one of an ordinary skill in the art to use the power control method and slotted Aloha method of Dahlman in the system Beming to control the power of the transmission between the base station and mobile station so

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that to minimize the interference in the system and minimize the unnecessary retransmission of data due to collision at the time the invention was made.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent number 6,643,275 issued to Gustafsson et al. Disclose a spread spectrum radom accessing transmission system having means for transmitting a signature preamble.

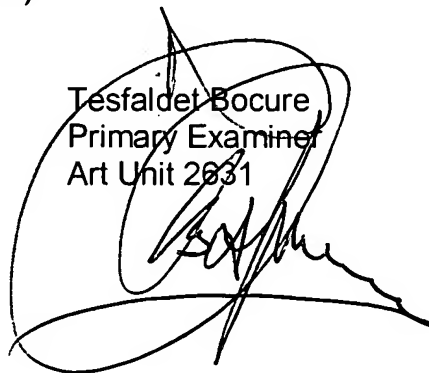
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (571) 272-3015. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri (7:30a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tesfalder Bocure
Primary Examiner
Art Unit 2631

A handwritten signature in black ink, appearing to read 'Tesfalder Bocure', is written over the printed name and title.

T.Bocure